

### REMARKS

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the Declaration of Mr. Brusseau dated February 23, 2004, the Declaration of Mr. Brusseau dated March 8, 2004 and the following remarks.

In the prior response, Applicants had submitted a Declaration of Mr. Brusseau dated February 23, 2004 (February 23 Declaration) in order to demonstrate that 4 of the 6 authors of the article "Cyclodextrin-Enhanced Vertical Flushing of a Trichloroethene Contaminated Aquifier" (the Article) are also inventors of this Application. The February 23 Declaration was unexecuted as filed. Applicants have herein enclosed an executed copy of the February 23 Declaration and note that the executed copy of the February 23 Declaration is identical in all respects to the unexecuted version previously submitted.

In a telephone conference dated February 11, 2004, the Examiner had requested that Applicants provide an additional Declaration stating that 2 of the inventors are not authors of the Article but are nevertheless inventors of this Application. Applicants have thus provided a Declaration of Mr. Brusseau dated March 8, 2004 (March 8 Declaration). The March 8 Declaration states that 2 of the co-authors of the Article, Barackman and Johnson, are not joint inventors in the subject matter disclosed in the Article and disclosed and claimed in this Application. The March 8 Declaration also states that 2 of the inventors, McCray and Wang, are inventors but did not participate in the Article, albeit they participated in the invention.

In view of the foregoing and the enclosed, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition,

appropriate requests are hereby made and authorization is  
given to debit Account # 02-2275.

Respectfully submitted,

MUSERLIAN, LUCAS AND MERCANTI, LLP

By: Donald C. Lucas  
Donald C. Lucas, 31,275  
Attorney for Applicant(s)  
475 Park Avenue South  
New York, New York  
Tel. # 212-661-8000

Encl: Executed Declaration of Mr. Brusseau dated  
February 23, 2004  
Executed Declaration of Mr. Brusseau dated  
March 8, 2004  
Return receipt post-card

DCL/mr